

ATTORNEY DOCKET NO.: NORTE-500A
SERIAL NO.: 10/662,779
FILE DATE: September 15, 2003
TITLE: DISTRIBUTED INTERCONNECT

Examiner Steve Jones

FAX NO.: (571) 273-1762

CERTIFICATE OF TRANSMISSION
(§ 1.8)

I hereby certify that the following are being Facsimile transmitted to the Trademark Office on the date shown below:

Date of Transmission: March 22, 2005

Signature: 

Name: Dawn A. Privett

Attorney Signature:  Reg. No. 28,497

Attorney Name: Bruce B. Brunda Date: March 22, 2005

Stetina Brunda Garred & Brucker
75 Enterprise, Suite 250
Aliso Viejo, CA 92656
Tel.: (949) 855-1246
Fax: (949) 855-6371

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. Election with Traverse (of 6 pages); and
2. Stamped Return Postcard.

ATTORNEY DOCKET NO: NORTE-500A
TITLE: DISTRIBUTED INTERCONNECT

Certificate of Mailing under 37 CFR 1.8 or 37 CFR 1.10

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on September 15, 2004


(Signature)

Dawn A. Privett

(Typed name of person signing certificate)

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Election with Traverse;
2. Transmittal Form;
3. Certificate of Mailing; and
4. Return Postcard.

PTO/SB/21 (08-03)


Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.


TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/662,779
	Filing Date	09/15/2003
	First Named Inventor	Kent E. Peterson
	Art Unit	2817
	Examiner Name	Stephen E. Jones
Total Number of Pages in This Submission	Attorney Docket Number	NORTE-500A

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Election with Traverse (of 3 pages); Certificate of Mailing; and Retrun Postcard.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Bruce B. Brunda STETINA BRUNDA GARRED & BRUCKER - Customer No. 007663
Signature	
Date	September 15, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Washington, DC 20231 on this date:	
Typed or printed name	Dawn A. Privett
Signature	
Date	September 15, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No.: 10/662,779
Response to Election of Species Requirement of August 31, 2004
Attorney Docket: NORTE-500A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Kent E. Peterson)	Confirmation No.	2186
)		
Serial No.:	10/622,779)	Art Unit:	2817
)		
Filed:	September 15, 2003)	Examiner:	Stephen E.
)		Jones
For:	Distributed Interconnect)		
)		

ELECTION WITH TRAVERSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Election of Species Requirement of August 31, 2004, the time set for a response being one (1) month from the mailing date from the U.S. Patent and Trademark Office, i.e. September 30, 2004, Applicant hereby elects, with traverse, the species which is directed to Figure 2. Applicant notes that Claims 1-8 and 18-24 are believed to be readable on the elected species, and, as the Examiner has noted, Claims 1 and 18 are generic.

The above elections are made with traverse for the reasons set herein below.

In the official action of August 31, 2004 the Examiner asserted that the application contains claims directed to distinct species including:

<u>SPECIES</u>	<u>FIGURES</u>
I.	2;
II.	3;
III.	5;
IV.	7;
V.	9; and

Application No.: 10/662,779
Response to Election of Species Requirement of August 31, 2004
Attorney Docket: NORTE-500A

VI.

10.

The Examiner has required an election of one of the aforementioned species.

Applicant respectfully submits that the Examiner has omitted one (1) of the two (2) criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. That is, as set forth in MPEP §803, "An appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if the restriction requirement were not required.

While the Examiner has alleged a possible distinction between the identified species, the Examiner has not shown that a concurrent examination of species, would present a "serious burden". Applicant respectfully submits that the search for the combination of features recited in the claims of the individual species, if not totally co-extensive, would appear to have a very substantial degree of overlap. Because the search for each species of invention is substantially the same, Applicant submits that no undue or serious burden would be presented in concurrently examining Species 1-6. Thus, for the above-noted reasons, in consistent with the office policy set forth above in MPEP §803, Applicant respectfully request that the Examiner reconsider and withdraw the species requirement in this application.

Furthermore it is noted that Species I, Figure 2 and Species III, Figure 5 are merely variants of similar embodiments thus at a minimum, Applicant requests the Examiner to consider Figures 2 and 5 to be the same species.

For all of the above reasons, the Examiner election of species is believed to be improper. Nevertheless, Applicant has elected, with traverse, the invention defined by Figure 2, i.e. Claims 1-8 and 18-24, in which at least Claim 1 and 18 are generic, in the event that the Examiner chooses not to reconsider and withdraw the election of the instant species requirement.

Should the Examiner have any questions or comments, the Examiner is invited to contact the undersigned at the telephone listed below.

Application No.: 10/662,779
Response to Election of Species Requirement of August 31, 2004
Attorney Docket: NORTE-500A

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: September 15, 2004

By:



Customer No.: 007663

Bruce B. Brunda
Registration No. 28,497
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371

T:\Client Documents\norte\500a\Response to Election Requirement.doc

FROM: <i>Stetina Brunda Garred & Brucker</i> LAW OFFICES PATENT, TRADEMARK, AND COPYRIGHT CAUSES 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CALIFORNIA 92656	TO: Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
FIRST CLASS MAIL	

Dear Sir:

(BBB/dp)

Please date stamp and return this card,
adding the serial number assigned where
applicable.

Date Mailed: September 15, 2004

Docket Number: NORTE-500A

Serial No.: 10/662,779

Filing Date: 09/15/2003

Title: DISTRIBUTED INTERCONNECT

Papers transmitted herewith:

1. Election with Traverse;
2. Transmittal Form;
3. Certificate of Mailing; and
4. Return Postcard.

Dear Sir:

Please date stamp and return this card,
adding the serial number assigned where
applicable.

(BBB/dp)

Date Mailed: September 15, 2004

Docket Number: NORTE-500A

Serial No.: 10/662,779

Filing Date: 09/15/2003

Title: DISTRIBUTED INTERCONNECT

Papers transmitted herewith:

1. Election with Traverse;
2. Transmittal Form;
3. Certificate of Mailing; and
4. Return Postcard.

